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38-21(51470)B/US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martinell et.al.)
Application No.: 09/683,399) Group Art Unit: 1638
Filed: 12/21/2001) Examiner: Georgia L. Helmer
For Plant Transformation Process with Selection
And Early Identification of Germline Events)

CERTIFICATE UNDER 37 C.F.R. §1.10

I hereby certify that the documents enclosed herein are being deposited with the United States Postal Service on this 13th day of February, 2006 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number #EV114073717US addressed to: MAIL STOP NOTICE OF APPEAL, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Gail P. Wuellner

Mail Stop Notice of Appeal
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER ACCOMPANYING
NOTICE OF APPEAL

1. Certificate of Mailing for Notice of Appeal
2. Notice of Appeal Form PTOSB/31; (in duplicate)
3. (1) one Return Receipt Postcard.

The Commissioner is hereby authorized *to charge* any additional fees due to Deposit Account No. 13-4125.

Respectfully submitted,

Todd R. Rands (Reg. No. 46,249)

Date: February 13, 2006

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(DUPLICATE)

PTO/SB/31 (04-05)

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Docket Number (Optional)

#38-21 (51470) B/US

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on _____

Signature _____

Typed or printed name _____

In re Application of

Martinell et al.

Application Number

09/683,399

Filed

12/21/2001

Plant Transformation Process with
For Selection & Early Identification

Art Unit

1638

Examiner L.

Georgia Helmer

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

- Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____
- A check in the amount of the fee is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. #13-4125. I have enclosed a duplicate copy of this sheet.
- A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

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I am the

applicant/inventor.

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

attorney or agent of record.

Registration number 46,249

Signature

M. Todd Rands

Typed or printed name

(314) 694-5802

Telephone number

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. _____

February 13, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

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This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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